

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

**FILED**

2009 DEC 30 PM 3:01

THE ELIJAH GROUP, INC.,  
Plaintiff,

V.

THE CITY OF LEON VALLEY, TEXAS,  
Defendant.

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CIVIL ACTION NO. 5:08-CV-907-OLG

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY  DEPUTY CLERK

**NOTICE OF APPEAL**

Notice is hereby given that The Elijah Group, Inc., Plaintiff in the above-captioned case, appeals to the United States Court of Appeals for the Fifth Circuit from the Final Judgment in this action and from the following Orders and other Court actions:

1. Order Denying Motion to Quash, Dkt. 21 (entered Jan. 22, 2009)
2. Order Granting Motion for Protective Order, Dkt. 26 (entered March 24, 2009)
3. Magistrate Judge's Report and Recommendations, Dkt. 40 (entered Oct. 2, 2009, adopted Nov. 30, 2009)
4. Order adopting Report and Recommendations, Dkt. 50 (entered Nov. 30, 2009)
5. Clerk's Judgment, Dkt. 51 (entered Nov. 30, 2009, modified Dec. 2, 2009).

DATED: DECEMBER 30, 2009



Daniel P. Whitworth, State Bar No. 24008275

Roger G. Bresnahan, State Bar No. 02959460

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**STUMPF FARRIMOND, P.C.**

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(admitted *pro hac vice*)

Lori H. Windham (admitted *pro hac vice*)

**THE BECKET FUND FOR RELIGIOUS LIBERTY**

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**ATTORNEYS FOR PLAINTIFF,**

**THE ELIJAH GROUP, INC.**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing Notice of Appeal has, on this the 30th day of December, 2009, been served the following counsel of record, by hand-delivery:

Elizabeth Guerrero Christ  
John Frank Onion, III  
Lowell F. Denton  
Ryan Henry  
**DENTON, NAVARRO, ROCHA & BERNAL, P.C.**  
2517 North Main Avenue  
San Antonio, Texas 78212

  
John G. George

DOCKET COPY

# Notice of Appeal Receipt Copy

DUPLICATE

Court Name: TEXAS WESTERN  
Division: 5  
Receipt Number: 500005434  
Cashier ID: khunt  
Transaction Date: 12/30/2009  
Payer Name: STUMPF FARRIMOND, P.C.

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NOTICE OF APPEAL/DOCKETING FEE  
For: STUMPF FARRIMOND, P.C.  
Amount: \$455.00

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CHECK  
Check/Money Order Num: 3933  
Amt Tendered: \$455.00

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Total Due: \$455.00  
Total Tendered: \$455.00  
Change Amt: \$0.00

SA08CV90706-THE ELIJAH GROUP, INC.  
V. THE CITY OF LEON VALLEY, TEXAS